

**THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant(s): Sigrid HERTEL
Appl. No.: 10/069,790
Conf. No.: 5002
Filed: July 26, 2002
Title: METHOD AND SYSTEM FOR REDIRECTING TELECOMMUNICATIONS
CONNECTIONS
Art Unit: 2614
Examiner: Q. H. NGUYEN
Docket No.: 118744-013

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANTS' APPEAL BRIEF

Sir:

Appellants submit this Appeal Brief in support of the Notice of Appeal filed on February 9, 2007. This Appeal is taken from the Final Rejection in the Office Action dated October 25, 2006 and the Advisory Action dated January 11, 2007. Also filed concurrently with this Brief is a Petition for a four (4) month Extension of time, thereby extending the period for reply to August 9, 2007.

I. REAL PARTY IN INTEREST

The real party in interest for the above-identified patent application on Appeal is Siemens Aktiengesellschaft by virtue of an Assignment dated July 26, 2002 and recorded at reel 013384, frame 0026 in the United States Patent and Trademark Office.

II. RELATED APPEALS AND INTERFERENCES

Appellants' legal representative and the Assignee of the above-identified patent application do not know of any prior or pending appeals, interferences or judicial proceedings which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision with respect to the above-identified Appeal.

III. STATUS OF CLAIMS

Claims 1-11 are pending in the above-identified patent application. Claims 1-11 stand rejected. Therefore, Claims 1-11 are being appealed in this Brief. A copy of the appealed claims is included in the Claims Appendix.

IV. STATUS OF AMENDMENTS

A Final Office Action was mailed on October 25, 2006. Appellants filed a Response on December 20, 2006 in reply to the Final Office Action. An Advisory Action was mailed on January 11, 2007. In the Advisory Action, the Examiner entered the Response on December 20, 2006, and maintained the obviousness rejections. A copy of the Final Office Action and the Advisory Action are attached as Exhibit A and Exhibit B, respectively, in the Evidence Appendix.

V. SUMMARY OF CLAIMED SUBJECT MATTER

A summary of the invention by way of reference to specification and/or figures for each of the independent claims is provided as follows:

Independent claims 1 and 10 are directed toward a system and method for re-direction of a telecommunications link, which has been set up to a first telecommunications (A1, A5) connection, to a second telecommunications connection (A2) within the public network. Information data, which reflects connection identification, is transmitted in parallel with user data via the telecommunications link (see page 7, line 29 – page 8, line 19; and Fig. 1 of the original English translation). The first as well as the second telecommunications connection is connected to a respective first and second public switching center (VST1, VST2). Both the public switching centers are able to store the connection identification of the first telecommunications connection, the connection identification of the second connection, and status information. If according to the stored status information a re-direction is to be performed, the re-direction is done in the public switching center for the first telecommunications connection (page 8, lines 20 – page 9, line 11 of the original English translation). As described in the specification (at page 9, lines 12-30; and Fig. 2 of the original English translation) the system and method allows for the re-direction of a call directed to the first telecommunications connection in the public network without the re-direction being apparent to the calling party. For example, when a customer calls an employee of a company by dialing the employee's business extension, the call can be re-directed to a home office (private number) of that employee in the public network without the telephone number to which the call is re-directed being made apparent to the calling party.

Although specification citations are given in accordance with C.F.R. 1.192(c), these reference numerals and citations are merely examples of where support may be found in the specification for the terms used in this section of the Brief. There is no intention to suggest in any way that the terms of the claims are limited to the examples in the specification. As demonstrated by the reference numerals and citations, the claims are fully supported by the specification as required by law. However, it is improper under the law to read limitations from the specification into the claims. Pointing out specification support for the claim terminology as is done here to comply with rule 1.192(c) does not in any way limit the scope of the claims to

those examples from which they find support. Nor does this exercise provide a mechanism for circumventing the law precluding reading limitations into the claims from the specification. In short, the reference numerals and specification citations are not to be construed as claim limitations or in any way used to limit the scope of the claims.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1. Claims 1-11 are rejected under 35 USC 103(a) as unpatentable over U.S. Patent No. 5,889,845 to *Staples* in view of U.S. Patent No. 6,366,668 to *Borst*. A copy of *Staples* and *Borst* are attached herewith as Appendixes C and D, respectively.

VII. ARGUMENT

A. THE REJECTION OF CLAIMS 1-11 UNDER 35 U.S.C. §103(a) SHOULD BE REVERSED BECAUSE THE EXAMINER FAILED TO DEMONSTRATE THAT THE REFERENCES DISCLOSE EACH LIMITATION OF THE CLAIMS

1. *Staples* and *Borst* fail to disclose each and every limitation of the presently claimed subject matter

Appellants respectfully submit that, A *Staples* and *Borst* are deficient with respect to the present claims because they fail to disclose each and every element of the presently claimed subject matter. For example, independent Claims 1 and 10 recite, in part, storing connection and status information for call redirection in the public switching center.

A. The Invention

The invention disclose a system and method for re-direction of a telecommunications link, which has been set up to a first telecommunications connection, to a second telecommunications connection within the public network. Information data, which reflects connection identification, are transmitted in parallel with user data via the telecommunications link. The first as well as the second telecommunications connection is connected to a respective first and second public switching center. Both public switching centers are able to store the connection identification of the first connection, the connection identification of the second connection and status information, whether the redirection should be performed or not. If, according to the store status information a redirection is to be performed, the redirection is done in the public switching center for the first telecommunications connection.

Significantly, the inventor performs a redirection of a call directed to the first telecommunications connection in the public network, whereas the redirection is not apparent to the calling party. For example, a customer of a business company calls an employee of the company by dialing the employee's business extension. In the event the employee is not in the office, the call can be redirected to, for example, a home office of the employee in the public network, while the telephone number to which the call is redirected is not made available to the calling party.

B. The Examiner's Arguments

1. Virtual Presence Server

In response to Applicant's arguments, the Examiner, on page 2 of the Advisory Action, states that "even though the virtual presence server [of Staples] is situated at a corporate office, the virtual presence server supports one or more user telephony communication devices via the public switched telephone network (PSTN) (col. 5, lines 28-30). Furthermore, this is a 103 rejection, the secondary reference Borst [is] cited for the feature of storing in a public switching center (Fig. 1; col. 3, lines 1-12)." Applicant's respectfully disagree, and request that the rejection be reversed.

Staples discloses a method for enabling a remote user to maintain virtual presence at a corporate office, including access to all facilities provided by the corporate office telephone system and local area network (e.g. fax, e-mail, LAN-data, etc.). However, the focus of Staples is to provide the ability to receive home telephone calls on the same communication line used for the virtual presence connection to the corporate office. In this regard, the virtual presence server is used at the corporate office (Fig. 1). The server is a high performance computer system, which is situated at a corporate office, and therefore not part of a public telecommunication network, although it could support user telecommunication devices via PSTN as well as other interfaces to ISDN connections, PBX or LAN at the corporate office (see, Fig. 1 and col. 5, lns. 28-56). The virtual presence server performs all call forwarding operations for the remote user- for example, all calls to the remote user's office number are directed to the virtual presence server, and then routed by the server to the user's home telephone. The telephone, however, must be connected to the user's remote computer system (see col. 25, lns. 39-45), and the calls to the user's home telephone are directed to the virtual presence server and then routed by the server to the user's home telephone while the user is connected to the corporate office (see, abstract; and col. 26, lns. 40-51). Only if the user is logged into the corporate network, and therefore logged into the virtual presence server, may the incoming calls be redirected to his/her home office. Moreover, the server does not provide any storage (i.e. memory) for identification and status information as to whether a call should be redirected or not, as required by the claimed invention. It is therefore not possible for Staples to redirect calls that are not available (i.e. visible) to the calling party.

The Examiner agrees with Applicant's position, on page 3 of the Final Rejection dated October 25, 2006, stating "Staples differs from the instant application...[since] connections

identification information storing in memory 344 in virtual presence server 106 which is in the office, while the instant application the information is stored in a public switching center.”

2. Obvious to Combine the Staples and Borst References

The Examiner then relies on Borst (see Final Rejection of October 25, 2006) as disclosing a “network ACD (Fig. 1) connect[ed] to a public switching network 100 which includes switching nodes 101 and call allocator 103 which stores program controlled for routing calls to one of ACD systems 110-112 (col. 2, lines 54-67; col. 1, lines 13-16). Switching nodes 101 provide alternate destination redirection, information such as call type, called number, etc. are stored in switching nodes of PSTN (col. 3, lines 1-12).” Additionally, the Examiner contends that one having ordinary skill in the art would have been motivated to combine the two references to “achieve the modification of storing connection information in memory in virtual presence serve in the office in Staples to have the information stored in public switching network, hence the combination of the Staples and Borst teaches the claims [sic] invention.” Applicant’s respectfully disagree, and request reversal of the rejection.

Borst discloses an automatic call distribution (ACD) system (e.g. call centers, telemarketing systems, etc.) that deals with routing of calls among these specific systems. More specifically, Borst describes an ACD network having multiple ACD systems interconnected with each other, and via PSTN (or some other communication network) with calling and/or called parties. The PSTN includes one or more conventional call locators that tells the switching nodes which ACD call to route to which one of the ACD systems. However, the network does not know the status of the individual ACD system. In the event an ACD call cannot be routed to a specific ACD system (e.g. the ACD system is overloaded), an alternate destination redirection (ADR) feature of the telephone switching system is used. The ADR feature identifies another ACD system as the alternative destination for calls of an individual call type rejection by an individual ACD system (see, col. 1, lns. 48 – 67).

The system in Borst deals with a “post-route” or “premises-route” architecture, which makes routing decisions after the call has been delivered to an ACD system. With these systems, very high-quality routing decisions can be made, but the re-routing of a call to a different ACD system generates significant network traffic (see, col. 1, lns. 29 – 38). Hence, Borst combines the ADR feature of switching systems with the benefits of “pre-route” and “premises-route” routing architectures in a network ACD (see, col. 1, lns. 41-48 and col. 3, lns. 13-16).

However, there is no reason why a person having ordinary skill in the art would combine Staples and Borst in the manner suggested by the Examiner (as stated in the Final Rejection and Advisory Action, and quoted above). Under 35 USC 103, the factual inquiry into obviousness requires a determination of: (1) the scope and content of the prior art; (2) the differences between the claimed subject matter and the prior art; (3) the level of ordinary skill in the art; and (4) secondary consideration (e.g., the problem solved). *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 17-18, 148 USPQ2d 459, 46 (1966). “[A}nalysis [of whether the subject matter of a claim is obvious] need not seek out precise teaching directed to the specific subject matter of the challenged claim, for a court can take account of the inferences and creative steps that a person of ordinary skill in the art would employ.” *KSR Int’l Co. Teleflex, Inc.*, 127 S. Ct. 1727, 1741, 82 USPQ2d 1385, 1396 (2007) quoting *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006); see also *DyStar Textilfarben GmbH & Co. Deutschland KG v. C.H. Patrick Col.*, 464 F.3d 1356, 1361, 80 USPQ2d 1641, 1645 (Fed. Cir. 2006) (“The motivation need not be found in the references sought to be combined, but may be found in any number of sources, including common knowledge, the prior art as a whole, or the nature of the problem itself.). The analysis supporting obviousness, however, should be made explicit and should “identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements” in the manner claimed. *KSR*, 127 S. Ct. 1732, 82 USPQ2d at 1389.

Staples teaches a method in which rerouting of every call to the user’s private telephone, whether the caller dials home or the corporate telephone number of the user, is done by a virtual presence server (only incoming calls are redirected), and pertains generally to Remote Access for one or more remote users to their corporate office. Borst, on the other hand, deals with routing and distributing calls in an ACD network consisting of several ACD systems, where the method uses ADR features of the telephone switching system to implement a “post-route” architecture having the benefits of a “pre-route” architecture in a network ACD. Moreover, Staples solution purposefully avoids using a public network, and would be defeated if one implemented the public features of Borst in Staples.

For the reasons discussed above, the modification of the cited reference is improper. Moreover, even if the modification is proper, the cited reference does not teach, suggest, or even disclose all of the elements of Claims 1-11, and thus, fails to render the claimed subject matter obvious for at least these reasons.

Therefore, for the reasons discussed above, Appellants respectfully submit that Claims 1-11 are novel, nonobvious and distinguishable from the cited reference and are in condition for allowance.

VIII. CONCLUSION

Appellants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness under 35 U.S.C. §103(a) with respect to the rejections of Claims 1-11. Accordingly, Appellants respectfully submit that the obviousness rejections are erroneous in law and in fact and should, therefore, be reversed by this Board.

The Director is authorized to charge \$500 for the Appeal Brief and any additional fees which may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 118744-013 on the account statement.

Respectfully submitted,

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Dated: August 9, 2007

CLAIMS APPENDIX

PENDING CLAIMS ON APPEAL OF U.S. PATENT APPLICATION SERIAL NO. 10/069,790

1. A method for redirection of telecommunications links comprising: redirecting a telecommunications link which has been set up to a first telecommunications connection to a second telecommunications connection;
transmitting information data, which reflects a connection identification, in parallel with user data via the telecommunications link; and
storing, in a public switching center for the first telecommunications connection and a public switching center for the second telecommunications connection, the connection identification of the first telecommunications connection, the connection identification of the second telecommunications connection and status information indicating whether the redirection should be carried out, and wherein the redirection to the second telecommunications connection is performed in the public switching center for the first telecommunications connection.
2. The method as claimed in claim 1, wherein in the status information of the redirection of the telecommunications links for the first telecommunications connection to the second telecommunications connection, both on setting up a telecommunications link from the second telecommunications connection to a third telecommunications connection and when setting up a telecommunications link from a third telecommunications connection to the second telecommunications connection, the information data which is transmitted in parallel with the user data via the telecommunications link is modified in the public switching center such that it reflects the connection identification of the first telecommunication connection instead of the connection identification of the second telecommunications connection.
3. The method as claimed in claim 1, wherein the first telecommunications connection is a connection within a private branch exchange.
4. The method as claimed in claim 3, wherein the private branch exchange stores the connection identification of the first telecommunications connection and status information

which states whether a redirection should take place, and a telecommunications link which originates from a fourth telecommunications connection is a connection within the private branch exchange and is set up to the first telecommunications connection and is redirected to the public switching center for the first telecommunications connection or for the private branch exchange, and to the second telecommunications connection.

5. The method as claimed in claim 4, wherein when an extension-internal connection identification is entered, a telecommunications link which originates from the second telecommunications connection is passed to the private branch exchange and to the corresponding private branch exchange connection.
6. The method as claimed in claim 1, wherein one differentiation of the status information is temporarily switched off by entering a specific control signal.
7. The method as claimed in claim 1, for the comprising activating redirection from the second telecommunications connection by entering a pre-determined access code.
8. The method as claimed in claim 1, further comprising permanently presetting the second telecommunications connection, which is associated with the first telecommunications connection.
9. The method as claimed in claim 1, wherein the second telecommunications connection, which is associated with the first telecommunications connection is selected freely by transmission of a control signal when the redirection is activated.
10. A system for redirection of telecommunications links a first telecommunications connection to a second telecommunications connection, comprising:
 - a switching center linked to the first telecommunications connection and has a storage device storing connection identification of the first telecommunications connection, connection identification of the second telecommunications connection, status information which states whether the redirection should be carried out; and a redirection device to redirect

telecommunications links to the second connection; a second switching center, which is linked to the second telecommunications connection and has a storage device to store the connection identification of the first telecommunications connections and the connection identification of the second telecommunications connection, and has a modification device to modify information data which reflects a connection identification.

11. The system as claimed in claim 10, wherein the system further comprises a private branch exchange, when the first telecommunications connection is integrated in the private branch exchange having a storage device to store information which states whether telecommunications links which have been set up to the first telecommunications connection should be redirected.

EVIDENCE APPENDIX

EXHIBIT A: Final Office Action dated October 25, 2006

EXHIBIT B: Advisory Action dated January 11, 2007

EXHIBIT C: U.S. Patent No. 5,889,8450 to *Staples* cited in the Final Office Action dated October 25, 2006.

EXHIBIT D: U.S. Patent No. 6,366,668 to *Borst* cited in the Final Office Action dated October 25, 2006.

RELATED PROCEEDINGS APPENDIX

None.

VIII. CONCLUSION

Appellants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness under 35 U.S.C. §103(a) with respect to the rejections of Claims 1-11. Accordingly, Appellants respectfully submit that the obviousness rejections are erroneous in law and in fact and should, therefore, be reversed by this Board.

The Director is authorized to charge any additional fees which may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 118744-013 on the account statement.

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